

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
S-96,894

N Sector #3

In Re Application Of: Jimmy Thornton, et al.



Serial No.
09/955,582

Filing Date
9/18/2001

Examiner
Unknown

Group Art Unit
1743

Invention: **REAL-TIME COMBUSTION CONTROLS AND DIAGNOSTICS SENSORS (CCADS)**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
10/29/2001
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

1. Petition under 37 CFR § 1.181 - Petition to Reset the Period for Reply Due to Late Receipt of an Office Action under MPEP 710.06.
2. Declaration and Statement of Authenticity of Betty A. Winchester in Support of Petition w/Exhibits A&B attached.
3. Response to Notice to File Missing Parts on Non-Provisional Application w/attachments:
 - 9 Sheets of corrected informal drawings
 - Page 2 of specification as originally filed
 - Complete copy of specification, with page 2 included, for reference

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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☒ Completion of application fees as calculated below:

- | | |
|---|----------|
| <input checked="" type="checkbox"/> Utility application filing fee | \$740.00 |
| <input type="checkbox"/> Design application filing fee | |
| <input checked="" type="checkbox"/> Total number of independent claims = 4 | \$84.00 |
| <input checked="" type="checkbox"/> Total number of claims = 16 | |
| <input type="checkbox"/> Multiple dependent claims | |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | \$130.00 |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor | |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification | |
| <input type="checkbox"/> Fee for processing and retention of application | |

Total completion of application fees \$954.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due \$954.00

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

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In Re Application Of: **Jimmy Thornton, et al.**

Serial No.
09/955,582

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9/18/2001

Examiner
Unknown

Group Art Unit
1743

Invention: **REAL-TIME COMBUSTION CONTROLS AND DIAGNOSTICS SENSORS (CCADS)**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$954.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **01-2752**
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
A duplicate copy of this sheet is enclosed.


Signature

Betty A. Winchester
Authorized Signature for Deposit Account 01-2752
U.S. Department of Energy
202-586-2810 (FAX 202-586-7127)

Dated: **January 17, 2002**

I certify that this document and fee is being deposited on _____
with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: **CHI/MLaM**



#3.

S-96,894

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jimmy Thornton, et al.

Serial No. : 09/955,582

Art Unit: 1743

Filed : September 18, 2001

Examiner: Not Assigned at
This Time

Title : REAL-TIME COMBUSTION CONTROLS
AND DIAGNOSTICS SENSORS (CCADS)

**RESPONSE TO NOTICE TO FILE MISSING PARTS ON
NON-PROVISIONAL APPLICATION**

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Attached are corrected drawings for the above-referenced application. Errors were noted in the drawings in the Notice to File Missing Parts on Non-provisional Application. The margins have been corrected to meet 37 CFR § 1.84. Erasures, overwriting, interlineations, folds and copy marks have been corrected. Text labels on figures 5 through 8 have been deleted. Should a question be raised with respect to modification without the Examiner's approval, the Applicants request that the original drawings 5-8, be retained in the case. The Applicants will then correct the drawings 5-8 with the Examiner's approval during the normal course of prosecution for this application.

A question was raised concerning the omission of page two of the specification. Page one of the specification is the title page. The first full page of text is page two. An additional copy of page two as originally submitted and a copy of the specification (without drawings) is submitted with this response to clarify the matter. Page two contains the Background of the Invention, which includes a statement of Government rights, claim of priority, field of the invention, and the beginning of the discussion on related art. The claim of priority is included in the Combined Declaration and Power of Attorney as filed.

Our file copy includes the cover page, page two (first page of text) and the remaining

specification and claims. Should page two have been omitted, Applicants request that the enclosed copy of page two be included. As this page does not add substantive new matter relating to the invention, the Applicants argue that the text does not add matter not shown elsewhere in the application or information that could be added later without raising the issue of new matter.

Respectfully submitted,

Mark F. LaMarre

Attorney for Applicants

Mark F. LaMarre, Reg. No. 34,856

Telephone No. (630) 252-2177

Date: January 16, 2002



JAN 17 2002

PATENT MARK

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/955,582	09/18/2001	Jimmy Thornton	S-96,894

CONFIRMATION NO. 9380

FORMALITIES LETTER



OC000000006985573

Paul A. Gottlieb
United States Department of Energy
GC-62 (FORSTL) MS-6F-067
1000 Independence Ave., S.W.
Washington, DC 20585

Date Mailed: 10/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$80.
 - \$80 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 920.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.
 - drawings contain excessive text. Suitable descriptive legends may be used, or may be

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required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o));

- drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

The following item(s) appear to have been **omitted** from the application:

- Page(s) 2 of the specification (description and claims).

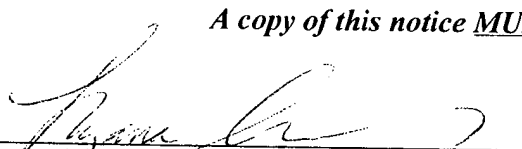
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/955,582	09/18/2001	1743	0.00	S-96,894	9	16	4

CONFIRMATION NO. 9380

FILING RECEIPT



OC000000006985572

Paul A. Gottlieb
United States Department of Energy
GC-62 (PQRS TL) MS-6F-067
1000 Independence Ave., S.W.
Washington, DC 20585

Date Mailed: 10/29/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jimmy Thornton, Residence Not Provided;
George Richards, Residence Not Provided;
Keith Dodrill, Residence Not Provided;
Roy S. Nutter, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/585,540 06/02/2000

EXHIBIT B

Foreign Applications

DOE's incoming
mail stamp:

If Required, Foreign Filing License Granted 10/27/2001

3 JAN '02 10:43

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title Real-time combustion controls and diagnostics sensors (CCADS)

Preliminary Class

436

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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